

### **REMARKS/ARGUMENTS**

It is requested that the Examiner reconsider and withdraw the rejection of Claims 1-12 and 15 based on a combination of Eul, Basso and Sugita. It is submitted that Claim 1, and the claims dependent thereon, are not rendered obvious by any combination of these three references for the reasons set forth hereinafter.

Eul relates to a method for loading electronic games into a mobile terminal but does not disclose the claimed method for terminal assisted menu presentation of value added services wherein the technical capabilities of the mobile station are identified and the objects are then automatically adapted to the technical capabilities of the mobile station. Basso discloses a method for reproducing a multi-media signal on a terminal where the multi-media data are displayed based on user preferences and the technical capabilities of the terminal.

However, neither Eul nor Basso relate to a method for terminal assisted menu presentation of value added services so it would therefore not have been obvious to one of ordinary skill in the art to modify a method for downloading electronic games to a mobile station in such a way that one can control a value added services node using a terminal assisted menu presentation of the value added services on a mobile terminal and to modify the method of Basso for reproducing a multi-media signal on a terminal in such a way that it allows a menu assisted, visual control of value added services in a commercial mobile terminal.

Sugita provides nothing that would bolster the obviousness of such a combination merely because it discloses a radio communication system wherein the version number of an available piece of information is compared with the version number of the information available in a mobile station and then downloading the more up-to-date information in the mobile station.

It is important to note that, even if Eul, Basso and Sugita are combined, they fail to teach the following claimed steps:

1. Communicating a short message from the value added services node to the mobile station containing the version number of the object available from the value added services node; and
2. Communicating a short message from the value added services node to the subscriber identity module which updates a display of the mobile station upon

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**Amendments to the Drawings:**

The attached drawing sheet has been revised to include the English language translations of the German legends. This sheet replaces the original Fig. 1 as originally filed. An annotated sheet showing the changes made is also attached.

Attachment: Replacement Sheet  
Annotated Sheet Showing Changes

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successful completion of an operation in the value added services node, the operation selected by the user of the mobile station.

The broad reference in Eul to the known Short Message Service of the GSM mobile radio system does render it obvious to operate in the manner set forth in the claimed method, namely, the steps 1. and 2. above. The burden is on the Examiner to establish a *prima facie* case of obviousness by pointing out where, in the cited references, there is a motivation or incentive to lead or compel one of ordinary skill in the art to combine the steps of the claimed method. The cited prior art does not provide such incentive or motivation in large part because none of the cited references relate to a method for terminal assisted menu presentation of value added services in mobile communication systems.

Claim 1 has been significantly amended and narrowed to set forth a method that is clearly not present in the prior art, and to combine three prior art references utilizing hindsight provided by Applicant's disclosure, particularly when there is no disclosed motivation or incentive to combine, does not meet the Examiner's burden under 35 U.S.C. 103.

With regard to Claim 8, although Michaels discloses downloading data into a SIM card, there is no disclosed motivation or incentive to combine the disclosure of Michaels with the other three cited references to arrive at the novel method set forth in Claim 8.

It is requested that the Examiner reconsider and withdraw the rejections of the claims and pass the application to issue. However, if the Examiner has any suggestions for further revision of the claims, it is requested that he telephone the undersigned at 260-460-1692.

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The formal drawing submitted herewith provides English language translations of the text and labels in the drawing as originally filed.

Respectfully submitted,

John F. Hoffman  
Registration No. 26,280

Attorney for Applicants

JFH/nw

BAKER & DANIELS  
111 East Wayne Street, Suite 800  
Fort Wayne, IN 46802  
Telephone: 260-424-8000  
Facsimile: 260-460-1700

Enc. Replacement Drawing Sheet  
Annotated Sheet  
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CERTIFICATION OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on: February 17, 2005

JOHN F. HOFFMAN, REG. NO. 26,280

Name of Registered Representative

Signature

February 17, 2005

Date

